



## **Human Rights Watch and its Activities in Support of the Voluntary Principles on Security and Human Rights Annual Member Update Report 2020**

### **A. Commitment to the Voluntary Principles on Security and Human Rights**

Human Rights Watch is a founding member of the Voluntary Principles on Security and Human Rights (VPSHR), and participated in the negotiation and development of the principles in 1999. In November 2012, when the Voluntary Principles (VPs) transitioned to a new governance structure, we became a member of the Voluntary Principles Association, which oversees the financial and administrative needs of the Voluntary Principles Initiative (VPI), the structure that promotes implementation of the principles by companies, governments and nongovernmental organizations.

Human Rights Watch recognizes that the Voluntary Principles have played an instrumental role in shaping the broader development of standards in the realm of security and human rights and introducing practices that are now widely accepted as norms by both governments and companies in the extractives sector. Human Rights Watch entered the process to develop the VPs knowing that no standards existed in this area and that the development of such principles would be an essential and welcome first step toward shaping a more rights-respecting industry.

Twenty years after the VPs' creation, however, the initiative needs strengthening to more effectively influence companies' conduct of their security operations and better protect impacted communities. Because the principles remain largely voluntary, there are challenges in terms of ensuring that governments and companies follow the standards embedded in the VPs. Human Rights Watch is supporting the development of mandatory human rights due diligence legislation in several countries and regions to institutionalize respect for standards like the VPs in companies' operations and in governments' legal frameworks, but the VPI

should also strengthen its own enforcement processes to encourage members to integrate the principles.

The VPI also needs to better integrate the views and voices of communities affected by its members' operations. The VPI should provide more opportunities for affected communities to participate in its governance structure and decision-making processes, such as the process for verifying members' compliance with the principles. This could include developing a grievance mechanism through which affected communities and nongovernmental organizations can pursue a complaint against companies that they allege are not respecting the VPs. Companies found in violation of the VPs would be required to take corrective action or ultimately face suspension as members.

## **B. Procedures**

Human Rights Watch engages with the Voluntary Principles in three main ways: we document and monitor issues relevant to the VPs; we emphasize the VPs' importance in advocacy meetings with both governments and multilateral organizations; and we promote the VPs through our regular and ongoing engagement with companies. In January 2021, as a member of the Voluntary Principles Initiative's NGO Pillar, Human Rights Watch completed its verification presentation, alongside PAX and IMPACT.

## **C. Promotion of the Voluntary Principles**

### **Guinea**

For the past three years, Human Rights Watch has recommended to the government of Guinea that it adopt and implement the Voluntary Principles as we engage in research and advocacy on the country's mining and hydropower sector. In our January 2020 submission on Guinea to the United Nations Committee on Economic, Social and Cultural Rights, for example, Human Rights Watch recommended that the Committee call upon the government of Guinea to adopt and fully implement the standards of the Voluntary Principles.<sup>1</sup>

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<sup>1</sup> Human Rights Watch Submission to the UN Committee on Economic, Social and Cultural Rights on Guinea, 67<sup>th</sup> Session, January 14, 2020, <https://www.hrw.org/news/2020/01/14/submission-committee-economic-social-and-cultural-rights-guinea>.

Human Rights Watch also continues to conduct research and advocacy in Guinea’s bauxite sector, which it examined in detail in an October 2018 report titled, *“What Do We Get Out of It?”: The Human Rights Impact of Bauxite Mining in Guinea.*<sup>2</sup> Human Rights Watch conducted additional field research in March 2019 in the Boké region, where much of Guinea’s bauxite boom is located, and continues to scrutinize the efforts of Guinea’s largest mining companies to improve their environmental and social practices. Our 2018 report provides part of the factual foundation for a March 2019 complaint to the International Finance Corporation’s (IFC) Compliance Advisor Ombudsman over a loan made to la Compagnie des Bauxites de Guinée (CBG), co-owned by the Guinean government and multinationals Alcoa and Rio Tinto.<sup>3</sup> The 2018 report also detailed clashes between local anti-mining protesters and security forces armed with live ammunition, and includes a key recommendation advocating for the government of Guinea and mining companies to adopt the Voluntary Principles.

In 2020, Human Rights Watch continued to conduct advocacy with the Guinean government and mining companies involved in Guinea’s bauxite sector. Our work focused on engagement with car companies sourcing aluminum from Guinea, which we encouraged to map their supply chains, evaluate the human rights risks associated with bauxite mining, and communicate to mining companies active in Guinea the need for respect for strong human rights, environmental, and social standards. Our engagement with Guinea’s car industry is ongoing.

## **South Africa**

In April 2019, Human Rights Watch published a joint report with the Centre for Environmental Rights, groundWork and Earthjustice, titled *“We Know Our Lives are in Danger”:* *Environment of Fear in South Africa’s Mining-Affected Communities.* The report examines the threats that environment defenders face in South Africa when advocating for protection from the serious social, health, and environmental harms that can result from mining activities.<sup>4</sup> The report documents attacks and other forms of intimidation against activists in KwaZulu-Natal, Limpopo, Northwest, and Eastern Cape provinces between 2013 and 2018.

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<sup>2</sup> Human Rights Watch, *“What Do We Get Out of It?” The Human Rights Impact of Bauxite Mining in Guinea* (New York: Human Rights Watch, 2018), <https://www.hrw.org/report/2018/10/04/what-do-we-get-out-it/human-rights-impact-bauxite-mining-guinea>.

<sup>3</sup> Jim Wormington, “Complaint Filed Against Bauxite Mining Company in Guinea,” commentary, Human Rights Watch dispatch, March 11, 2019, <https://www.hrw.org/news/2019/03/11/complaint-filed-against-bauxite-mining-company-guinea>.

<sup>4</sup> Human Rights Watch, *“We Know Our Lives are in Danger”:* *Environment of Fear in South Africa’s Mining-Affected Communities* (New York: Human Rights Watch, 2019), <https://www.hrw.org/report/2019/04/16/we-know-our-lives-are-danger/environment-fear-south-africas-mining-affected>.

The report found that many activists experienced threats, physical attacks, or damage to their property that they believed were acts of retaliation for their activism, while others received threatening phone calls from unidentified numbers. Municipalities also often imposed burdens with no legal basis on organizers of anti-mining protests and made protests difficult and sometimes impossible. Activists in mining-affected communities also face police misconduct, including arbitrary arrest and excessive use of force, which is part of a larger pattern in South Africa. The report also finds that some mining companies in South Africa have been using legal tactics, including both strategic litigation and social media campaigns, to harass activists and organizations who challenge them.

Following the report's publication in 2019, Human Rights Watch and its partners discussed the findings with the South African government, and several mining companies and the South African Minerals Council, which represents 78 mining companies operating in South Africa. A key recommendation of the report is that all mining companies operating in South Africa should adopt and implement the Voluntary Principles on Security and Human Rights. This recommendation was echoed in a letter from Human Rights Watch to President Cyril Ramaphosa.<sup>5</sup>

In 2020, Human Rights Watch continued to monitor the situation for human rights defenders in South African mining communities such as those featured in the 2019 report, including by calling for justice after environmental activist Mama Fikile Ntshangase was gunned down in her home in October 2020.<sup>6</sup> Most recently, Human Rights Watch called upon the South African government to implement recommendations made by Mary Lawlor, the UN Special Rapporteur on the situation of human rights defenders, in order to hold to account those responsible for killing environment defenders such as Ntshangase.<sup>7</sup>

## Myanmar

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<sup>5</sup> "Human Rights Watch letter to President Matamela Cyril Ramaphosa," September 23, 2019,

<https://www.hrw.org/news/2019/09/23/human-rights-watch-letter-president-matamela-cyril-ramaphosa>.

<sup>6</sup> Katharina Rall (Human Rights Watch), "Environmentalists Under Threat in South Africa," *BusinessDay*, November 4, 2020,

<https://www.hrw.org/news/2020/11/04/environmentalists-under-threat-south-africa>.

<sup>7</sup> Katharina Rall (Human Rights Watch) and Billy Mqondo, "UN Spotlight on Killing of South African Environmental Defender,"

*BusinessDay*, March 15, 2021, <https://www.hrw.org/news/2021/03/15/un-spotlight-killing-south-african-environmental-defender>.

In March 2021, Human Rights Watch was invited to attend the Steering Committee meeting for the Myanmar Voluntary Principles In-Country Working Group regarding relevant impacts of recent events in Myanmar. While we were not able to attend this meeting, our engagement with the situation in Myanmar has continued.

In January 2020, Human Rights Watch attended the Steering Committee meeting, which was held at the Myanmar Centre for Responsible Business (MCRB) in Yangon and co-chaired by Switzerland and TOTAL. In 2020, Human Rights Watch was the sole representative from the NGO Pillar. Also in attendance were representatives from the US, Swiss, and Australian embassies; representatives from TOTAL, Woodside Energy, Chevron, and PANAUST; and members of the MCRB Secretariat. The Steering Committee primarily discussed how the VPs in Myanmar could engage with the question of private security companies. During the meeting, Human Rights Watch brought attention to extractives-related cases in Mon State and Mandalay, where locals had reportedly been beaten by police.

At MCRB's suggestion, the Steering Committee agreed to investigate funding and possibilities to commission a short study of the private security landscape in Myanmar, both at the national and subnational level. The study included human rights issues, labor rights issues, and the lack of regulation in Myanmar's private security sector, as well as relations with government public security. To help facilitate the study, Human Rights Watch and TOTAL volunteered to suggest a Myanmar-based consultant with experience in security, due diligence, and related issues.

In 2016 and 2017, Human Rights Watch was an active participant in debates on re-engagement and investment in Myanmar's extractives sector and highlighted the deeply concerning role of security forces in providing security for business projects. Human Rights Watch urged foreign governments and international financial institutions to press companies to comply with key human rights standards, including those elaborated in the VPs. In 2016, we urged the US government to require US companies investing in Myanmar's extractives sector to report on whether they are members of the VPs and if not, whether they had implemented the principles, procedures, and guidance tools developed for the VPs.

## **Venezuela**

In February 2020, shortly before the Covid-19 pandemic reached Venezuela, Human Rights Watch published findings that revealed abuse by the armed groups exercising control over

Venezuela’s illegal gold mines, some of which seem to operate with government acquiescence.<sup>8</sup> According to the interviews Human Rights Watch conducted in October and November 2019, Venezuelans working in the gold mines faced abuses such as amputations, dismemberment, beatings, and disappearances at the hands of Venezuelan groups called “syndicates” and Colombian armed groups operating in the region. The mines have continued to operate, and the physical danger to workers and communities surrounding the mines has been exacerbated with the onset of Covid-19.

Human Rights Watch has requested information from Venezuela’s authorities on the status of prosecutions against those responsible for abuses committed by armed groups in Bolívar state—including prosecutions against government officials and members of Venezuelan security forces complicit in abuses—but has yet to receive a response. Outside of this correspondence, Human Rights Watch was unable to find any public information for our February 2020 report regarding investigations into the criminal responsibility of government officials or Venezuelan security forces implicated in abuses at the gold mines.

According to assessments by international and local groups, consistent with testimony gathered by Human Rights Watch, the vast majority of gold mined in Venezuela is produced illegally. Much of this gold is smuggled through Venezuela’s borders, reportedly reaching countries including Turkey, the United Arab Emirates, the United States, and Switzerland, the latter two of which are part of the Voluntary Principles. Human Rights Watch was unable to identify whether any of the gold mined under abusive circumstances in Venezuela was sold to specific companies or is otherwise involved in the supply chains of any specific companies. Nevertheless, given the evidence of abuse in Bolívar’s gold mines, Human Rights Watch advises companies to undertake human rights due diligence consistent with the United Nations Guiding Principles and the VPs.

## **Zimbabwe**

Human Rights Watch has been investigating abuse by private security companies in Zimbabwe’s Marange diamond fields for several years. Reports we received in 2018 alleged that security employees set dogs on miners and people from the local community and harassed them in other ways, including through beatings, taking them into custody, and firing

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<sup>8</sup> “Violent Abuse in Venezuela’s Gold Mines,” Human Rights Watch news release, February 4, 2020, <https://www.hrw.org/news/2020/02/04/venezuela-violent-abuses-illegal-gold-mines>.

gunshots.<sup>9</sup> Arrests have continued since the outbreak of the Covid-19 pandemic in March 2020.<sup>10</sup> Guards from the private security companies operating in the Marange diamond fields receive no human rights training and the diamond mining companies themselves do not specifically look at human rights standards when proceeding with projects in the Marange fields. Our advocacy encouraging companies operating in those fields to, at minimum, adopt the Voluntary Principles and follow other internationally recognized security standards is ongoing.

## **Jewelry Sourcing**

In February 2018, Human Rights Watch released a report, *The Hidden Cost of Jewelry*, which focuses broadly on the jewelry industry and abuse in source mines. A section of the report highlights corruption in the Zimbabwean diamond mining sector, noting that “Zimbabwean army brigades were sent to the diamond mines to ensure access to mining revenue by senior members of the ruling party and the army itself between 2008 and 2014.” The report also discusses shortcomings of mechanisms such as the Kimberley Process Certification Scheme, to which Zimbabwe is a party, including the fact that it relies on an “indefensibly narrow ‘conflict diamond’ definition’ that does not take into account abuses perpetrated by “state actors or private security firms” such as by those in the Marange diamond fields.

*The Hidden Cost of Jewelry* details abuse by various actors in the diamond and gold mining industries in several different countries, including discussion of past abuse by security forces.<sup>11</sup> This report also brings attention to allegations of torture, murder, and rape against soldiers and private security guards in Angola and Papua New Guinea, previously documented by Human Rights Watch and other organizations.

In addition to documenting security sector abuse on the ground in mining communities and advocating for mining companies to adopt the Voluntary Principles, Human Rights Watch continues to engage in consistent efforts to advocate for more responsible sourcing practices by jewelry companies, as reflected by the recommendations.

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<sup>9</sup> Juliane Kippenberg (Human Rights Watch) and Farai Muguwu, “Diamond Trade Still Fuels Human Suffering,” commentary, *Le Temps*, May 10, 2018, <https://www.hrw.org/news/2018/05/10/diamond-trade-still-fuels-human-suffering>; Juliane Kippenberg (Human Rights Watch) and Farai Maguwu, “Why Jewellers Need to Vet Their Global Supply Chains,” commentary, *Mail & Guardian*, February 1, 2021, <https://www.hrw.org/news/2021/02/01/why-jewellers-need-vet-their-global-supply-chains>.

<sup>10</sup> Kippenberg and Maguwu, “Why Jewellers Need to Vet Their Global Supply Chains.”

<sup>11</sup> Human Rights Watch, *The Hidden Cost of Jewelry: Human Rights in Supply Chains and the Responsibility of Jewelry Companies* (New York: Human Rights Watch, 2018), <https://www.hrw.org/report/2018/02/08/hidden-cost-jewelry/human-rights-supply-chains-and-responsibility-jewelry#>.

More recently, in November 2020, Human Rights Watch released a report on jewelry companies, changing sourcing practices, and the impacts of Covid-19 on the industry. The report, titled, *Sparkling Jewels, Opaque Supply Chains*, acknowledges the role that “voluntary standards can play in generating dialogue and supporting companies that seek to develop best practice.”<sup>12</sup> However, the report also makes clear that voluntary standards are no replacement for legal requirements, and advocates for national governments and regional organizations like the European Union to pass mandatory human rights due diligence laws to move the jewelry industry in a more rights-respecting direction. This is echoed in various other Human Rights Watch publications regarding human rights in supply chains, including in our November 2020 Q&A on the Proposal for an EU Legislation on Mandatory Human Rights and Environmental Due Diligence.<sup>13</sup>

#### **D. International Code of Conduct for Private Security Providers (ICoC)**

##### *No significant update since 2019 report*

In 2013 Human Rights Watch served as a member of the Temporary Steering Committee for the International Code of Conduct for Private Security Providers (ICoC) through the launch of the International Code of Conduct Association (ICoCA) in September 2013. Over the past two years, in close collaboration with the International Corporate Accountability Roundtable (ICAR), Human Rights Watch continued to participate as a member of civil society pillar of the ICoCA and engaged in work complementary to the standards set out in the VPs.

#### **E. Lessons and Issues**

Human Rights Watch has contributed to the implementation of the Voluntary Principles through its research and advocacy with governments, companies, and multilateral institutions. We believe that the Voluntary Principles are an important set of human rights standards that have heavily influenced how governments and companies see the connection between security forces, business, and human rights. To fully realize the VPs’ potential, however, the initiative needs to find ways to strengthen implementation by companies,

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<sup>12</sup> Human Rights Watch, *Sparkling Jewels, Opaque Supply Chains: Jewelry Companies, Changing Sourcing Practices, and Covid-19* (New York: Human Rights Watch, 2020), <https://www.hrw.org/report/2020/11/24/sparkling-jewels-opaque-supply-chains/jewelry-companies-changing-sourcing>,

<sup>13</sup> “Q&A on the Proposal for an EU Legislation on Mandatory Human Rights and Environmental Due Diligence,” Human Rights Watch Q&A, November 9, 2020, <https://www.hrw.org/news/2020/11/09/q-proposal-eu-legislation-mandatory-human-rights-and-environmental-due-diligence>.



increase participation from affected communities, and hold member companies more accountable if they fail to adequately meet the standards the principles enshrine.

Over the last several years, we have met with companies, governments, and multilateral agencies to promote and deepen implementation of the Voluntary Principles. All of our public reports and statements can be found on Human Rights Watch's website at:  
<http://www.hrw.org/en/category/topic/business/>.